

Introduced by Senator Dunn

February 23, 2006

An act to amend Section 397 of the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1531, as introduced, Dunn. Change of venue.

Existing law authorizes the court, on motion, to change the place of trial in specified cases, including when the court designated in the complaint is not the proper court.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 397 of the Code of Civil Procedure is
2 amended to read:
3 397. The court may, on motion, change the place of trial in
4 the following cases:
5 (a) ~~When~~*If* the court designated in the complaint is not the
6 proper court.
7 (b) ~~When~~*If* there is reason to believe that an impartial trial
8 cannot be had therein.
9 (c) ~~When~~*If* the convenience of witnesses and the ends of
10 justice would be promoted by the change.
11 (d) ~~When~~*If* from any cause there is no judge of the court
12 qualified to act.

1 (e) ~~When~~*If* a proceeding for dissolution of marriage has been
2 filed in the county in which the petitioner has been a resident for
3 three months next preceding the commencement of the
4 proceeding, and the respondent at the time of the commencement
5 of the proceeding is a resident of another county in this state, to
6 the county of the respondent's residence when the ends of justice
7 would be promoted by the change. If a motion to change the
8 place of trial is made pursuant to this paragraph, the court may,
9 prior to the determination of ~~such~~ *the* motion, consider and
10 determine motions for allowance of temporary spousal support,
11 support of children, temporary restraining orders, ~~attorneys'~~
12 *attorney's* fees, and costs, and make all necessary and proper
13 orders in connection therewith.